IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

Crl.Rev.Pet.No. 1679 of 2003()

CRA.266/2001 of ADDL. SESSIONS COURT, THRISSUR
CC.22/1997 of CHIEF JUDICIAL MAGISTRATE COURT, THRISSUR

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REVN. PETITIONER: APPELLANT/ACCUSED

SATHYAN, S/O.SIVARAMAN,
PUTHANPURAKKAL HOUSE, MUZHUVANCHERY
DESOM, ERANELLUR VILLAGE, THRISSUR.

BY ADV. SRI.P. VIJAYA BHANU
SMT.P.MAYA

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.1679 of 2003

Dated this the 19th day of November, 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 279, 337, 338 and 304A IPC and sentenced as modified by the appellate court to undergo simple imprisonment for one month for each of the offences under Sections 279, 337 and 338 IPC and to undergo simple imprisonment for two months and to pay a fine of Rs.5,000/- and in default, to undergo simple imprisonment for one month for the offence under Section 304A IPC.

2. The prosecution case is that on 11.8.1996 at 11O' clock in the morning the accused drove the bus bearing registration No.KL8/B-4989 along Thrissur- Kunnamkulam road in a rash and negligent manner so as to endanger human life and it colluded with a tempo van bearing registration No.KL.18/B-7371 that came from the opposite direction and the passengers in the tempo sustained injuries and one Rajeevan, aged 68 years, succumbed to the injuries sustained.

3. Counsel for the revision petitioner has only pleaded for modification of the sentence pointing out that the incident has taken place more than 10 years ago and that so far the revision petitioner was facing the ordeal of criminal proceedings and that the income of the revision petitioner is the sole means of livelihood of his family.

4. In the circumstances, considering the long lapse of time, the sentence imposed for the offence under Section 304A IPC is modified to imprisonment till the rising of the court and to pay a compensation of Rs.25,000/- to the legal representatives of the deceased and in default, to undergo simple imprisonment for six months. Sentence imposed for the offence under Section 279 IPC is modified to pay a fine of Rs.1,000/- and in default, to undergo simple imprisonment for two weeks. The sentence imposed for the offence under Section 338 IPC is modified to pay a fine of Rs.1,000/- and in default, to undergo simple imprisonment for two weeks. No separate sentence is awarded for the offence under Section 337 IPC. The revision petitioner is granted two months' time to pay the amount of compensation

and fine. He shall appear before the Chief Judicial Magistrate Court, Thrissur on 21.1.2008 to receive sentence.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl